

REMARKS

Claims 1-4 and 6-12 are pending in this Application. Claims 1-4 and 6-12 were rejected by the Examiner. Additionally, the Examiner objected to the Abstract of the specification. The Applicant has amended the Abstract in accordance with the Examiner's suggestion. Additionally, the Applicant has canceled claims 1-3 and 5-6. The Applicant has amended claims 4, 7, and 12, and added new claim 13. All claim amendments and new claims are fully supported in the specification and no new matter has been added.

The Examiner is respectfully requested to reconsider the rejection of this Application in light of the foregoing remarks.

35 U.S.C. §102

Claims 1-4, 6 and 7 under Ferris

The Examiner rejected claims 1-4, 6, and 7 under 35 U.S.C. §102(b) as being anticipated by Ferris (U.S. Ref. 2,675,981).

In making the rejection, the Examiner stated that:

Ferris '981 discloses a stand (above) comprising first and second support sections (above) each having first and second ends, a first rotatable mount (above) disposed upon the first support section proximate to the second end thereof ("proximate" is defined in Merriam Webster's Collegiate Dictionary – 10th Edition as being "close," so clearly, the first rotatable mount is disposed "close" to second end of the first support section; further, all subsequent uses of the term "proximate" in this office action will use the same meaning, and all feature being compared as "proximate" in this office action are clearly "close" to one another), a

second rotatable mount (above) disposed upon the second support section proximate to the second end thereof, an elongated brace (above) having a first end (left end of elongated brace above) attached to/disposed on the first support section proximate to the first end thereof and a second end (right side of elongated brace above) attached to/disposed on the second support section proximate to the first end thereof a, a first movable support (above) disposed upon the first support section proximate to the first rotatable mount and beneath the first rotatable support, a second movable support (above) disposed upon the second support section proximate to the second rotatable mount and beneath the second rotatable mount.

For a 35 U.S.C. §102 rejection, it is well established caselaw that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Ferris device discloses a stand for mounting a frame for a "hooked-rug" type article. There is no disclosure of a "first movable support.... wherein a first end of the workpiece is mounted to the first movable support" or a "second movable support....wherein a second end of the workpiece is mounted to the second movable support" as cited in Applicant's amended independent claim 4. Therefore, Applicant's amended independent claim 4 is patentably distinct from Ferris.

Claims 7-11 depend either directly or indirectly on patentable amended independent claim 4 and are therefore patentable for at least the same reasons as patentable independent claim 4.

The Applicant has canceled claims 1-3 and 6.

Claims 1-4 and 10-12

The Examiner has rejected claims 1-4 and 10-12 under 35 U.S.C. §102(b) as being anticipated by de Cuadros.

In making the rejection, the Examiner stated:

Regarding claims 1-4, 10 and 11, de Cuadros '203 discloses a stand (above) comprising first and second support sections (above) each having first and second ends, a first rotatable mount (41, it can rotate about the threads) disposed upon the first support section proximate to the second end thereof, a second rotatable mount (41, it can be rotated about the threads) disposed upon the second support section proximate to the second end thereof, an elongated brace (above) having a first end (left end of elongated brace above) attached to/disposed on the first support section proximate to the first end thereof and a second end (right side of elongated brace above) attached to/disposed on the second support section proximate to the first end thereof, wherein the elongated brace further comprises a first elongated member (above) having first and second ends (left and right sides respectively, above), and a second elongated member (above) having first and second ends (right and left sides respectively, above), whereby the first end of the first elongated member is pivotally attached to the first support section proximate to the first end of the first support section, the first end of the second elongated member is pivotally attached to the second support section proximate to the first end of the second support section, and the second end of the first elongated member is pivotally attached to the second end of the second elongated member, wherein a hinge (above, 33f, see column 3, lines 35-52).

Further, regarding claim 12, de Cuadros '203 teaches the first support section to have first and second legs (21a, 21b) each having first and second ends (above), wherein the second ends of the first and second legs are substantially together and the first ends of the first and second legs are substantially apart, and the second support section to have first and second legs (22a, 22b) each having first and second ends (above), wherein the second ends of the first and second legs are substantially together and the first ends of the first and second legs are substantially apart,

Wherein the stand further includes a first support brace (21d) having a first end connected to the first leg of the first support section proximate to the first end of the first leg of the first support section, and the second end of the first support brace is connected to the second leg of the first support section proximate to the first end of the second leg of the first support;

Wherein the stand includes a second support brace (22d) having a first end connected to the first leg of the second support section proximate to the first end of the first leg of the second support section, and the second end of the second support brace is connected to the second leg of the second support section proximate to the first end of the second leg of the second support section;

Wherein the above mentioned elongated brace is a first elongated brace, wherein the first elongated member of the first elongated brace has a first end pivotally attached to the first leg of the first support section proximate to the first end of the first leg of the first support section, wherein the first end of the second elongated member of the first elongated brace is pivotally attached to the first leg of the second support section proximate to the first end of the first leg of the second support section, and the second end of the first elongated member of the first elongated brace is pivotally attached to the second end of the second elongated member of the first elongated brace,

Wherein the stand further includes a second elongated brace (above), wherein a first elongated member of the second elongated brace has a first end pivotally attached to the second leg of the first support section proximate to the first end of the second leg of the first support section, wherein the first end of a second elongated member of the second elongated brace is pivotally attached to the second leg of the second support section proximate to the first end of the second leg of the second support section, and the second end of the first elongated member of the second elongated brace is pivotally attached to the second end of the second elongated member of the second elongated brace.

Again, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in

as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The de Cuadros reference discloses a support for a hammock, which must include two support members to function properly as a hammock must lie in the horizontal plane in order to be useful.

On the other hand, Applicant's amended independent claim 4 discloses a "first movable support.... wherein a first end of the workpiece is mounted to the first movable support" and a "second movable support....wherein a second end of the workpiece is mounted to the second movable support". Neither of these elements are disclosed or suggested in the de Cuadros reference and therefore Applicant's amended independent claim 4 is patentably distinct from de Cuadros.

Claims 10-11 depend, either directly or indirectly, from patentable amended independent claim 4, and are therefore patentable for at least the same reasons as patentable amended independent claim 4.

Additionally, Applicant's amended independent claim 12 discloses a "first movable support.... wherein a first end of the workpiece is mounted to the first movable support" and a "second movable support....wherein a second end of the workpiece is mounted to the second movable support". Neither of these elements are disclosed or suggested in the de Cuadros reference and therefore Applicant's amended independent claim 12 is patentably distinct from de Cuadros.

The Applicant has canceled claims 1-3.

35 U.S.C. §103(a)

Claims 8 and 9

The Examiner has rejected claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over Ferris ('981).

In making the rejection, the Examiner stated:

Ferris '981 discloses the previous invention wherein it appears the first and second movable mounts are respectively mounted on the inside or outside of the first and second support sections, but it is not completely clear whether they are in fact mounted on either the inside or the outside of the support sections. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have respectively mounted the first and second movable mounts on the inside of the first and second support sections so as to either provide easier access to the movable mounts (if mounted on the outside) or to provide greater concealment of the movable mounts for aesthetical reasons (if mounted on the inside). Further, either configuration would provide sufficient support of an object utilizing the stand.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. §103, the Examiner must demonstrate that there is a suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine the reference teachings. Furthermore, the prior art references must teach or suggest all of the claim features. It is well settled law that the prior art itself must provide the motivation for a proposed alteration of a reference. Ex parte Chicago Rawhide Manufacturing Co., 220 U.S.P.Q. 351, (B.O.P.A. 1984). Moreover, the suggestion must be plain and clear or the rejection is untenable. Fromson v. Offset Plate, Inc., 225 U.S.P.Q. 26, 32 (Fed. Cir. 1985); Kimberly-Clark Corp. v. Johnson & Johnson,

223 U.S.P.Q. 603, 610 (Fed. Cir. 1984). The Examiner is not free to pick bits and pieces from the prior art and, with the hindsight benefit of applicants' disclosure, attempt to reconstruct the invention. Orthopedic Equipment, Inc. v. U.S., 217 U.S.P.Q. 193, 199 (Fed. Cir. 1983).

Indeed, virtually all inventions are improvements upon the prior art, and therefore it is improper for the Examiner to reject a claim for obviousness when the improvement the Examiner cites is itself neither taught nor suggested in the prior art reference.

Furthermore, Applicant's amended independent claim 4 discloses a "first movable support.... wherein a first end of the workpiece is mounted to the first movable support" and a "second movable support....wherein a second end of the workpiece is mounted to the second movable support". Neither of these elements is either taught or suggested by the Ferris reference and therefore Applicant's independent claim 4 is patentably distinct from Ferris.

Applicant's claims 8 and 9 depend from Applicant's patentable amended independent claim 4 and are therefore patentable for at least the same reasons as patentable amended independent claim 4.


CONCLUSION

In view of the foregoing amendment and remarks, it is believed that this Application is now in condition for allowance. Early and favorable reconsideration is respectfully solicited.

If the Examiner has any questions regarding the foregoing amendment and remarks, or if prosecution of this Application could be furthered by a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney.

Respectfully submitted,

By: _____


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